App F. IX-4

*Previous References*

193 1. (Inward)

**File No.** 177-31

**Serial Nos.** 1 4

*Later References*

# General and Revenue Secretariat.

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*Serial Nos.* 1 -

**Part B for** May 1932

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SUBJECT.

Sree Marungunga Swami Temple at Coimbatore belonging to Sri Varadaraja Perumal Swami Thi

---

to the Hon'ble Mr. Chief
Justice and Hon'ble Mr. Justice
Reporting him to file a suit in a civil
in the Sessions Court of Coimbatore to
set aside the Religious Board's decision

177-31-1

GENL. & REV. 803

M. C. 13]

No. 1010 2w3 / 28-31

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

*Dated, Bangalore,* 22nd January *193*2.

26.

FROM

S. HIRIANNAIYA, ESQ,. M.A., B.L.,
*Muzrai Commissioner in Mysore.*

To

Rajasevaparayana
B. Srinivasa Iyengor, Esq., B.A., B.L.,
*Secretary to the Government of His Highness*
*the Maharaja of Mysore.*
Financial *Department.*

SIR,

I have the honor to state that the temple of Sri Vera ----- Anjaneyaswami at Coimbatore is an institution belonging to the Sri Vyasarayaswami Matha and has been under the exclusive control of the Swamies thereof from time immemorial. The right to appoint a --- manager is also vested in the Swamigalu. A notice under Sec.70(1) of Madras Act II of 1927 demanding a sum of Rs.40-8-0 was issued to then Manager in September 1930. On receipt of the notice in this office, the Secretary the Board of Commissioners for the Madras --- Hindu Religious Endowments was requested to waive the payment on -- behalf of the temple in the circumstances explained in this office letter of the 18th September 1930 (copy enclosed). The Secretary to the Board while stating that only branches of the Matha who[se] head quarters were outside the Presidency were declared to be out-side the purview of the act and not the temples situated within the presidency which were under the management of the Matha, pointed that the question whether the said Veera Anjaneyaswami temple was a temple or not was under investigation. Finally [in] his letter dated 27rd July 1931 the Secretary intimated that [the] Government on the Board was of opinion that the institution was a one [to] to which the Madras Act II of 1927 applied and as such, the contribution cannot be waived. Thereupon the Government Agent was --- instructed to examine the provisions in the Act and submit a report whether the order was appealable

2. The case was examined in all its aspects by Mr.S. V. B. ROW, Advocate, Madras, and the written opinion furnished by him is ----- forwarded in original. The advocate is of opinion that we can take out an application to the Hindu Religious Endowment Board to hold a fresh enquiry and thus enable us to place before them all necessary evidence for a reconsideration of their order which was passed ---- ex-parte, and failing this a civil suit may be filed under Sec.84, clause 2) of the act within one year from the date of the order. A draft revision petition prepared by the advocate is also sent.

3. I request that the Law Department may be consulted about the action proposed to be taken and instructions conveyed to me early in the matter of filing the revision petition before the Board in the first instance.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

As proposed by the M.C. in para 3 of the P.C.D:

Law Secy may be consulted & advised.

Asst Secy, Law Secy and Comptr

I have not been able to get an annotated edition of Act II of 1927 (Madras) - If there is one available in the Law Dept, it may kindly be put up; otherwise a copy will have to be obtained from the M.C's office

194 Law

Asst Secy, Law Dept and Comptr

10/2/32

L. 028 f 31
p 61

App. F. III—2]

General and Revenue Secretariat — File No. 17 of 1931 : 2

Serial No.

4) Copy of the Book Committee in para 3 is not available here.

5) A/n calling for the same from the Board

Issue 11/2

Issued

Issued vide No 1132 of 12/2/32 to the Assistant to the Mgr. in Commissioner calling for a copy of the book referred to therein

from 28/1/32

D.O. No ~~10-10~~. 1010/29-30 of 1st March 32 from the Ramanya sending a copy of Messrs Srinivasa Iyer & Sundaresa Iyers' Act II of 1927 annotated.

With a book

7) Submitted will be submitted to the Asst Secy. Law Secy. as desired in Ref para 3

2/3/32

Yes please.

2/3/32

The Sri Veera Anjaneya Swami temple at Coimbatore has been treated by the H R E Board as a public temple within Act II of 1927 (Madras). It is contended on behalf of the Sri Vyasaraya Mutt that the said temple is only a private temple of the

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8 7 33

Mutt and as such the Board has no jurisdiction over it under Sec 70 of the Act

Mr. S. V B Rao of Madras, who has been consulted in the matter has advised an application being made to the Board to hold a fresh enquiry so as to enable the Mutt to place necessary evidence before the Board for a reconsideration of the order of 23rd July 1931. He proposes to take the matter to a Civil Court in case the decision of the Board on such application goes against the Mutt.

II) Sec 84 of Madras Act II of 1927 (as amended by Act IV of 1930) gives jurisdiction to the Board to decide disputes arising as to whether an institution is a math or temple as defined in the Act and by Subsec (2) such decision is made final subject to a civil suit being brought within one year from the date of the order. If the order of the Board, dated 23rd July 1931 is itself an order under Sec 84 (1), it is not clear, how an application lies to reopen such order, as advised by Mr S V B Rao. The better course appears to be file a suit itself to have the order set aside. Mr Rao's advice may however be followed if the order of 23.7.31 cannot be considered to be one under

Serial No.

A

Sec. 84 (1) of Act II of 1927. Since a copy of the order itself is not among the papers in the file, it is not possible to give any opinion as to whether it is or is not one under sec. 84 (1).

Asst Secy, Revs
with compts

DNP
15/3

12) Whether the legal opinion expressed in paras 9, 10 & 10 maybe communicated to the is for orders - If so, the file will have to be sent to M.E. for taking a copy of the legal opinion for further action.

GS
29/3
for Secy)

30/3/32

13) Forwarded up with compliments. Attn is with reference to A in the legal opinion supra

h
1-4-32

GENERAL REVENUE SECRETARIAT 134 2 APR. 1932 MADRAS

7835
30/3

With work

Lr to Madras Hindu Religious Endowment Act.

1010/29-30 M-O file a copy of M.H.R.E. Act. 14-4-32

14) Returned with compliments.

The attached file of proceedings [illegible] 1/31-2 dated 23rd July 1931 from the Board of Hindu Religious Endowments, [illegible] waive the contribution demanded on the [illegible] is sent for further action.

15) The amount [illegible] economy.

h
14/4

Approving order

1010/29-30
4. AP

NOTE—Contn. Sheet.

WD 79—GBPM—50,000—13-8-31

To Provincial Br
for favour of opinion — 14.4.32 15/4/32

There is nothing in section 84 of Madras Act II of 1927 to necessitate the holding of a judicial enquiry before the Board can decide the dispute as to whether the institution is a temple as defined in the Act. Under bye-law 18 framed by the Board, the decision of the Board is communicated to the parties by the Secretary. This is what is done in the Secretary's letter of 23rd July 1931.

(2) The only remedy provided by the Act to get rid of a decision under sec 84 is an appln to the court within one year from the date of the decision. It is difficult to see how in such circumstances an application can be made to the Board to reconsider their decision. Even supposing such an application lies, it appears that the period of one year prescribed for the suit ought to be computed from the date of the decision and not from the date of the order to be passed on the appln. At best the time taken in prosecuting the appln may be excluded under sec 14 of the Limitation Act, if it can be held that the provisions of the latter Act apply to the periods fixed under Act II of 1927.

(3) Since the period of one year expires by about the 24th of July 1932, I think the best course is to file an application in the District

Serial No.

Court of Coimbatore under Sec 84 Cl(2) to set aside the decision of the Board passed under Sub-sec (1) - rather than to take to this course after getting to get the order revised by the Board as suggested by Mr S V B. Rao of Madras.

2) The Govt Advocate also will be consulted in the matter, if appt

Gen Secy) 21/4

GENERAL SECRETARY. 21 APR. 1932 No 7135

2) Yes Hm 21.4

R.O. No. P 105 of 31 dated 22nd April 1932.

2) Forwarded with compliments to the Government Advocate for favour of early opinion -

B.O.

22/4/32

D Nyayapati Rao for Gen Secy to Govt

(With Madras Hindu Religious Endowments Act by Srinivasa Iyer))

GOVT. ADVOCATE'S OFFICE APR 1932 BANGALORE.

GENERAL SECRETARY. 12 MAY 1932 No

Returned with compliments.

R.O. No. 117/M.M of 12.5.32

(with Madras Hindu Religious Endowments Act by Srinivasa Iyer)

2) I agree with the opinion of the Assistant Secretary.

2) In his letter dated 21-5-1931 to the Muzrai Commissioner the Secretary to the Board stated that this

NOTE—Contn. Sheet.

File No. of 193 | General and Secretaria

this matter was 'under investigation' and in his letter dated 23-7-1931 he states that the decision of the Board was given 'after due investigation'. The Board is not therefore likely to reopen the matter and hold a fresh enquiry.

It would be safer to proceed under Section 84, Clause 2, and apply in time to the District Court to set aside the decision of the Board as otherwise it would become final under that Section.

Government Advocate.
12-5-1932.

OFFICE OF THE FIRST MEMBER BOARD
14 MAY 1932
7329.

(Writs are bound as Masters Act II of 1927)

Fin Secy (Mem)

1st Member)

13/5/32

18/5/32

14/5

16/5/32

19/5/32

TYPING SECTION
19 MAY 1932
GENERAL SECTT.

No 1139 & 23/5/32 Board Secretaries Commissioners ordering in Statements in the matter of the management of Sri Veera Anjaneya Swamy Temple

| Serial No. | |
|---|---|
| | Coimbatore District belonging to Sri Vyas Mahajanam Trust. |

NOTE—Contn. Sheet

WD 70—GBPM—60,000—13-8-31

File No. of 193 General and Revenue Secretaria

D.O No. 1132/Inam-

12th February 1932.

Ws 177-31-2

Dear Sir,

With reference to your office letter No.1010/29-30 dated 26th January 1932 regarding the managership of Sri Veera Anjaneya Swami temple at Coimbatore belonging to Sri Sosale Vyasarayaswami Mutt, I am desired to request you to kindly send for reference and return an annotated edition of Act II of 1927 (Madras) to which there is a reference in the letter referred to.

Yours sincerely,

Asuva Rao

T. Ramaiya, Esq., B.A., (Hons.).,
Assistant to the ~~Revenue~~ Inamdar Commissioner
in Mysore,
Bangalore.

SUBJECT .....

.....

.....

Immediate

Section Mem 3

File No. 1 1 - 31

Serial No.

*Diary No. of letter replied to* .....

No 1132/Mem.

To

The M-C

General and Revenue Secretariat

( )

*the* 193 .

Dear Sir,

Date of issue 12.2.32

Signed by .....

With reference to the letter No 1010/29-303 26/1/32 re the management of Sri Veera Anjaneya Swami temple at Coimbatore belonging to Sri Poosala Vyasaraja Mutt, I am directed to request you to furnish a copy of the order passed for the removal of the trustee and return, the annotated edition of Act II of 1927 (Madras) wherein there is reference to the order referred to under advertence.

Yours sincerely

for Secretary

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GPBM—40,000—20-7 31.

M. O 1010 Encl book. 29-30

12

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE

GENL. & FEV. SECRETARIAT. 964 2 MAR. 1932 MUZRAI.

*Bangalore...29th..February...193 2*
1st March.

171-31-3

Dear Sir,

As desired in your letter No.1132/Muz.dated 12th - February 1932 I send herewith for reference and return an annotated edition of the Madras Hindu Religious Endowments Act (II of 1927).

Yours sincerely,

To

A. Subba Rao, Esq., B.A., B.L.,
Assistant Secretary to the Government of His Highness the Maharaja of Mysore.

Asst Secy Muzrai Br with Camps

1/3

In what connection did M.P.J. ask for this?

1/3/32

Section Mem

File No. 177 31

Serial No. 4

Diary No. of letter replied to ....

No. 1739/Rg/Sec 1606
1606

To

General and Revenue Secretariat

( )

the 193 .

Date of issue 23-5-32

Signed by [illegible]

Re: Sri Veera - Anjaneyaswami
Temple at Coimbatore Colonypudur
~~& Sri~~ Vyasaraya Swami Temple
~~at~~

Sir,

With reference to your letter No
1010/29-30 dt 26/5/32 in the
matter of fixing a revision petn
before the H.R.E. Bd Madras
about the Temple dept taking
Date dt ~~[illegible]~~ ~~[illegible]~~ the
~~opinion of the~~ Law Dept as
~~detailed hereunder~~: ---

~~The copy~~ Extract

~~17-18-19~~ of the Law Secy

waiving the payment of Rs. 40-8-0 demanded on behalf of ~~the~~

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31

~~section~~ section 9. A. in paras 23 & 25

~~It~~ The

of papers together with the an

in of Madras R. R. E.

1927 to hereunto

I have etc.

For Secretary

Hdqrs

GS

1875

I am directed to ~~state~~ observe that,

in view of the statements made

by the Secy. to the Board in his letters

of 21.5.1931 & 23.7.1931 that the matter

was under investigation & that the decision

of the Board will be given 'after due consideration'

early, the Board is not likely to reopen

the matter & hold fresh inquiry and to

request that ~~application may~~ therefore immediate

arrangements may be made for filing an

application in the District Court of Coimbatore

under Section 84 Clause (2) of Madras Act II

of 1932 (as amended by act IV of 1930), to set aside the

decision of the Board as the period of one year 24 days

prescribed for ~~filing~~ the suit expires by about the middle of 1932

The action taken in the matter may kindly be communicated

for the information of ~~the~~ this office pursuant

The papers are returned herewith.

I have &

19/5/32

for Secy: to Govt